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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,384	02/19/2002	Naoto Kinjo	1110-0299P	1414

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EXAMINER

JERABEK, KELLY L

ART UNIT PAPER NUMBER

2622

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/076,384

Applicant(s)

KINJO, NAOTO

Examiner

Kelly L. Jerabek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 3-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This case has been transferred to Examiner Kelly Jerabek. Please direct all future correspondence to Examiner Jerabek whose contact information may be found at the end of this office action.

#### ***Response to Arguments***

Applicant's arguments filed 6/9/2006 have been fully considered but they are not persuasive.

#### **Response to Remarks:**

Applicant's arguments (Amendment page 9) state that the PTO-1449 form submitted on June 12, 2002 has not been initialed. However, this form does not exist in the file and therefore the Examiner requests that the form be resubmitted in order to be considered.

Applicant's arguments (Amendment pages 10-11) state that the system disclosed by Ellenby discloses a camera (413) that merely provides electronic images to the computer (414) and a user of the computer (414) interacts with the graphical user interface generated by the graphical user interface generator (4111). Applicants further

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state that the Ellenby reference is completely silent regarding whether the camera (413) itself has any capability other than providing electronic images and therefore cannot teach or suggest the feature of a camera that includes the capability to allocate and send message information to the subject as recited in claim 1. The Examiner respectfully disagrees. Ellenby discloses an information transmitting system comprising: a first camera (413) that transmits an electronic image to a computer (414) that includes a graphical user interface generator (4111) (figure 41; col. 26, lines 36-54). The system also includes position and attitude determining means (416,417) (col. 26, lines 36-54). Therefore, it can be seen that the camera (413) **must** have the capability of acquiring information about a position of a shooting site and information about a shooting direction. Although figure 41 is only a block diagram and does not specifically show the attitude and position determining means (416,416) as being located on the camera it is necessary for the camera to acquire and transmit information about a position of a shooting site and a shooting direction in order for the attitude and position determining means to function properly (eg. some signal must be sent from the camera to the computer vision system in order to provide the position of a shooting site and the shooting direction of the camera). **Additionally, Ellenby states that the detail of information presented in a graphical user interface will vary as the pointing direction corresponds more closely with an object (col. 24, line 60- col. 25, line 27).** Ellenby further states that a provider business (that has been selected based on the position and attitude of the based on the panning of the camera) may interact with the computer vision system so that a user of the computer (414) may request a service

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(messages) (col. 25, line 28-col. 26, line 35). **Thus, it can be seen that the camera allocates message information (user of the computer requests a service) to a subject (business) specified in a picture being taken.**

Applicant's arguments (Amendment pages 11-12) state that the system disclosed by Ellenby discloses a camera (413) that merely provides electronic images to the computer (414) and a user of the computer (414) interacts with the graphical user interface generated by the graphical user interface generator (4111). Applicants further state that the Ellenby reference is completely silent regarding whether the camera (413) itself has any capability other than providing electronic images and therefore cannot teach or suggest the feature of a camera that includes the capability to acquire information about the position of the shooting site and the shooting direction as recited in claim 1. The Examiner respectfully disagrees. Ellenby discloses an information transmitting system comprising: a first camera (413) that transmits an electronic image to a computer (414) that includes a graphical user interface generator (4111) (figure 41; col. 26, lines 36-54). The system also includes position and attitude determining means (416,417) (col. 26, lines 36-54). Therefore, it can be seen that the camera (413) **must** have the capability of acquiring information about a position of a shooting site and information about a shooting direction. **Although figure 41 is only a block diagram and does not specifically show the attitude and position determining means (416,416) as being located on the camera it is necessary for the camera to acquire information about a position of a shooting site and a shooting direction in order**

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**for the attitude and position determining means to function properly (eg. some signal must be sent from the camera to the computer vision system in order to provide the position of a shooting site and the shooting direction of the camera).**

Applicant's arguments (Amendment page 13) traverse the Official Notice taken by the Examiner and request that a valid prior art reference be cited to teach the feature of claim 2 as recited. In response, the Examiner has cited the Steinberg et al. US 6,628,325 reference. Therefore, the rejection of claim 2 is as follows:

Re claim 2, Ellenby disclose communication between the computer (414) and graphical user interface of the computer vision system and the façade of a service business provider in order to schedule a massage (figures 48-54; col. 25, line 14-col. 26, line 35). However, Ellenby does not specifically state that the message transmitting unit (Graphical User Interface) notifies a subject that the message information from the photographer who sends the message is present and transmits the message information to the subject in response to access by the notified subject.

Steinberg discloses a communication device for interconnecting a digital camera to a communication network for downloading data to a remote computer. Steinberg discloses that there may be querying/handshaking between the communication device and the server to determine if there are sufficient images to send, i.e. to determine the space available in the image storage memory of the communication device or camera-device (col. 12, lines 36-49). Therefore, it would have been obvious for one skilled in

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the art to have been motivated to configure the message transmitting unit (Graphical User Interface) disclosed by Ellenby to notify the subject that the message information from the photographer who sends the message is present and transmit the message information to the subject in response to access by the notified subject transceiver in order to initiate and complete data communications.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellenby et al (US 6,037,936).**

Re claim 1, Ellenby discloses an information transmitting system comprising: a first camera (413) that transmits an electronic image to a computer (414) that includes a graphical user interface generator (4111) (figure 41; col. 26, lines 36-54). The system also includes position and attitude determining means (416,417) (col. 26, lines 36-54). Therefore, it can be seen that the camera (413) **must** have the capability of acquiring

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information about a position of a shooting site and information about a shooting direction. Although figure 41 is only a block diagram and does not specifically show the attitude and position determining means (416,416) as being located on the camera it is necessary for the camera to acquire and transmit information about a position of a shooting site and a shooting direction in order for the attitude and position determining means to function properly (eg. some signal must be sent from the camera to the computer vision system in order to provide the position of a shooting site and the shooting direction of the camera). **Additionally, Ellenby states that the detail of information presented in a graphical user interface will vary as the pointing direction corresponds more closely with an object (col. 24, line 60- col. 25, line 27).** Ellenby further states that a provider business (that has been selected based on the position and attitude of the based on the panning of the camera) may interact with the computer vision system so that a user of the computer (414) may request a service (messages) (col. 25, line 28-col. 26, line 35). **Thus, it can be seen that the camera allocates message information (user of the computer requests a service) to a subject (business) specified in a picture being taken.** Ellenby further discloses a subject identifying unit which identifies the subject by deducing a geographical position of the subject using the information about the position of the shooting site and the information about the shooting direction that have been acquired by the first camera or the information about the positions, the information about the shooting direction and a position of the subject which is within the first picture taken (the detail of information presented in a graphical user interface will vary as the pointing direction corresponds



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more closely with an object (col. 24, line 60- col. 25, line 27; col. 14, lines 14-44); and a message information transmitting unit (Graphical User Interface) that transmits message information (user of the computer requests a service) to the subject or a specified object including a third party (col. 25, lines 14-27).

Re claim 9, Ellenby disclose the specified object or the subject registers a category of the message information to be transmitted to the message information transmitting unit, and the message information transmitting unit transmits only the message information coincident with the registered category to the specified object or the subject (figures 51-52; col. 25, line 53-col. 26, line 11).

Re claim 10, Ellenby discloses the specified object or the photographer transmits present situation information of one's own self to the message information transmitting unit (Graphical User Interface), and the message information transmitting unit (Graphical User Interface) transmits the message information which is controlled depending on the present situation information to the specified object or the subject (figures 51-52; col. 25, line 53-col. 26, line 11).

Re claim 11, Ellenby discloses the specified object or the photographer transmits present situation information of one's own self to a destination designated by one's own self, the message information transmitting unit (Graphical User Interface) transmits the message information to the designated destination of one's own self, and the

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designated destination of one's own self processes the message information depending on the present situation information and transmits the processed message information to the specified object or the subject (figures 51-52; col. 25, line 53-col. 26, line 11).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellenby et al. in view of Steinberg et al. US 6,628,325.**

Re claim 2, Ellenby disclose communication between the computer (414) and graphical user interface of the computer vision system and the façade of a service business provider in order to schedule a massage (figures 48-54; col. 25, line 14-col. 26, line 35). However, Ellenby does not specifically state that the message transmitting unit (Graphical User Interface) notifies a subject that the message information from the photographer who sends the message is present and transmits the message information to the subject in response to access by the notified subject.

Steinberg discloses a communication device for interconnecting a digital camera to a communication network for downloading data to a remote computer. Steinberg discloses that there may be querying/handshaking between the communication device and the server to determine if there are sufficient images to send, i.e. to determine the space available in the image storage memory of the communication device or camera-device (col. 12, lines 36-49). Therefore, it would have been obvious for one skilled in the art to have been motivated to configure the message transmitting unit (Graphical User Interface) disclosed by Ellenby to notify the subject that the message information from the photographer who sends the message is present and transmit the message information to the subject in response to access by the notified subject transceiver in order to initiate and complete data communications.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

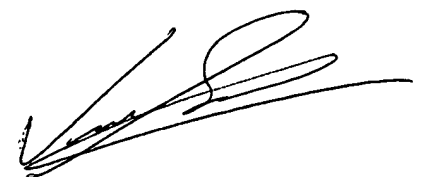
### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is (571) 272-7312. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for submitting all Official communications is (703) 872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (571) 273-7312.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ



VIVEK SRIVASTAVA  
PRIMARY EXAMINER